

REMARKS

Applicant has reviewed the Office Action mailed on November 5, 2003 as well as the art cited. Claims 1-21 are pending in this application.

Rejections Under 35 U.S.C. § 112

Claim 14 was rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Specifically, the Examiner asserted that the phrase "interface that is coupleable to communicate" is unclear. Claim 14 has been amended to specify that the network interface port comprises an interface that is coupleable to the wide area network to provide communication over a number of permanent virtual connections. Applicant respectfully asserts that the amended claim is clear. Applicant respectfully asserts that the change to claim 14 does narrow the scope of the claim.

Rejections Under 35 U.S.C. § 103

Claims 1-3, 11-13, 15 and 16 were rejected under 35 USC § 103(a) as being unpatentable over Mohaban et al. (U.S. Patent No. 6,463,470) in view of Vaid et al. (U.S. Patent No. 6,502,131). Applicant respectfully traverses the rejection.

Each of the independent claims of the present application calls for a "service delivery unit." For example, claim 1 is directed to an enterprise network with "at least one service delivery unit having a data port and a network interface port" with the network interface port "coupled to a wide area network." Further, claim 11 is directed to a service delivery unit that includes a "network interface port coupleable to a wide area network." Finally, claim 16 is directed to an enterprise network with first and second service delivery units. The first and second service delivery units are coupled to a wide area network.

It appears that the Examiner is relying on portions of Mohaban illustrated and described with respect to Figures 6A and 9 to support the service delivery unit element of these claims. Applicant respectfully asserts that Mohaban does not disclose or describe service delivery unit as

called for in claim 1, 11, and 16 of the present application. Applicant defines a service delivery unit as follows in the application as filed:

Service delivery units 108, 109, and 170 each provide the following functionality:

1. Demarcates the interface between local networks and wide area network 102; and
2. Monitors of enterprise network 100 at the physical and link layers.

In addition to these functions, service delivery units 108, 109, and 170 also provide a bandwidth management function for enterprise network 100.

There is nothing in Mohaban that discloses a service delivery unit that performs these functions. Therefore, the combination of Mohaban with Vaid fails to disclose all of the limitations of claims 1-3, 11-13, 15 and 16. Withdrawal of the rejection is respectfully requested.

Further, Applicant respectfully asserts that even assuming, *arguendo*, that Figures 6A and 9 of Mohaban show a service delivery unit as claimed, those portions of Mohaban are not valid prior art against the claims of the present application. The effective filing date of the present application is June 29, 1999 and the effective filing date for the disclosure of Mohaban associated with Figures 6A and 9 appears to be Aug. 18, 1999 since these figures do not appear in the parent or grandparent applications for Mohaban. Therefore, Mohaban is not prior art and is not combinable with Vaid. Withdrawal of the rejection is respectfully requested.

Claims 4-10 were rejected under 35 USC § 103(a) as being unpatentable over Mohaban et al. (U.S. Patent No. 6,463,470) in view of Vaid et al. (U.S. Patent No. 6,502,131) and further in view of Ball et al. (U.S. Patent No. 6,446,200). Applicant respectfully traverses the rejection.

Claims 4-10 depend directly or indirectly from claim 1. Claim 1 is allowable for the reasons identified above. Therefore, claims 4-10 are also allowable. Withdrawal of the rejection is respectfully requested.

Allowable Subject Matter

Applicant thanks the Examiner for the indication that claims 17-21 were allowed.

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Attorney Docket No. 100.112US02

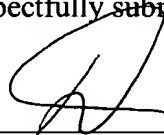
Title: SERVICE DELIVERY UNIT FOR AN ENTERPRISE NETWORK

CONCLUSION

Applicant respectfully submits that claims 1-21 are in condition for allowance and notification to that effect is earnestly requested. If necessary, please charge any additional fees or credit overpayments to Deposit Account No. 502432.

If the Examiner has any questions or concerns regarding this application, please contact the undersigned at (612) 332-4720.

Respectfully submitted,

Date: April 5, 2004

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